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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 DUANE C. TIPTON,

9 Plaintiff,

10 v.

11 JACK PALMER, *et al.*,

12 Defendants.

3:09-CV-198-RCJ(VPC)

ORDER

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14 Presently before the Court is Plaintiff's Motion For Reconsideration requesting relief
15 from Judgment/Order (#19) filed on August 2, 2010.

16 Upon considering Tipton's arguments, all records on file and the relevant law, the court
17 finds no basis to reconsider the Courts Order(#17) or Judgment (#18) entered on July 15,
18 2010.

19 **LEGAL STANDARD**

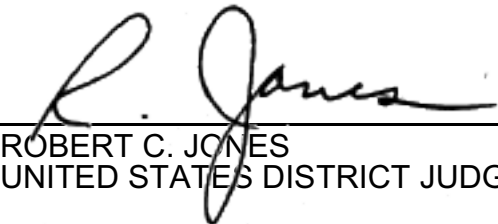
20 Motions to reconsider are generally avoided. See e.g., United States v. Mills, 810 F.2d
21 907, 909 (9th Cir. 1987) (stating that "[t]he law of the case doctrine provides that in order to
22 maintain consistency during the course of a single case, reconsideration of questions
23 previously decided should be avoided."); see also Earl Old Person v. Brown, 312 F.3d 1036,
24 1039 (9th Cir. 2002) (stating that exceptions to the law of the case doctrine include the
25 following: (1) the prior decision is clearly erroneous and its enforcement would work a manifest
26 injustice; (2) intervening controlling authority; and (3) substantially different evidence). That
27 notwithstanding, Fed. R. Civ. P. 60(b) provides that "[o]n motion and upon such terms as are
28 just, the court may relieve a party . . . from a final judgment, order, or proceeding for the

1 following reasons: (1) mistake, inadvertence, surprise or excusable neglect”

2 IT IS THEREFORE ORDERED that Tipton’s Motion for Reconsideration (#19) is
3 DENIED.

4 IT IS SO ORDERED.

5 Dated: This 13th day of August, 2010.

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ROBERT C. JONES
UNITED STATES DISTRICT JUDGE